



Investigation Report

FILE NUMBER 23-24-008

INSTITUTION IN QUESTION Service New Brunswick

SUBJECT Allegations of deficiencies with
respect to communication in French

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**REPORT DISTRIBUTED TO THE
FOLLOWING PERSONS** Chief Executive Officer of Service
New Brunswick
Complainant
Premier
Clerk of the Executive Council
Executive Director of the Secretariat
of Official Languages

ISSUE DATE May 2024



Summary

This report was prepared following an investigation of a complaint against Service New Brunswick (the institution). More specifically, the complainant alleges that they received a birth certificate that was partially in English only and that whenever they went to the institution's service centre in Moncton (the Service Centre), they were always greeted in English without an active offer.

Upon conclusion of this investigation, the Office of the Commissioner of Official Languages (OCOL) established, for the reasons set out in this report, that the complaint is **founded** and that the institution has failed to fulfill its obligations under the *Official Languages Act* of New Brunswick (the OLA).

Having established that the complaint is founded, the Commissioner makes the following recommendations:

1. **THAT** the institution ensure that all staff members make an active offer of service in both official languages at all times;
2. **THAT** the institution ensure that all members of the public are proactively offered the opportunity to obtain documents in the official language of their choice;
3. **THAT** the institution continue to carry out random checks on official languages and broaden the scope of its control points to include whether members of the public always receive requested documents and other written communications in the official language of their choice;
4. **THAT** the institution verify all forms in its computer system as well as forms available to the public and remove any preselection of official language in order to uphold the equality of services in both official languages under the OLA;
5. **THAT** the institution verify all URL addresses and metadata of pages and documents available to the public through its website and ensure that the language of these conforms to the language of the corresponding content, to enable search engines to correctly identify and index information displayed in French.

Complaint

The details of the complainant's allegations are as follows:

The complainant ordered and paid for a birth certificate from Service New Brunswick. When they received the birth certificate in the mail, the complainant noticed that part of the certificate was in English only, for example, "APR" and "NEW BRUNSWICK":



In addition, OCOL has observed that the format of the dates on the certificate is a format that is used in English but is incorrect in French. For example, we can see "MONTH __, 2023". In French,

the format should be as follows: “__MONTH 2023”, while an ISO (International Organization for Standardization) format is: “2023- MONTH-__” or “YYYY-MM-DD ”.

On May 17, 2023, after responding by email to the institution’s questions posed through the OCOL, the complainant also added new allegations to their complaint. They say they have been to the Service New Brunswick service centre in Moncton two or three times in the past and have always requested service in French. They allege that:

[Translation]

People are greeted in English. [. . .] When I start speaking French, the staff at the reception desk switch to French. They then ask me if I would like to be served in English or French. I always reply that I would like to be served in French, even though [an] employee once told me that this could have an impact on the waiting time.

Then, when my number is called, the employees greet me in English only. I answer in French, and they switch to French.

Abbreviations and Terms Used

OCOL	Office of the Commissioner of Official Languages
Service centre / Moncton Service Centre	Service New Brunswick Moncton Service Centre
The institution	Service New Brunswick
OLA	<i>Official Languages Act</i> of New Brunswick
CSR	Customer service representative(s)
Website	Service New Brunswick website: www2.snb.ca

Investigation

Alternative resolution attempt

Following the filing of the complaint on April 23, 2023, the OCOL decided to proceed through its alternative complaint resolution process under subsection 43(10.1) of the OLA. This provision eases the processing of complaints while allowing for rapid and effective corrective action.

The OCOL proceeded to issue an alternative resolution letter dated May 9, 2023, in which the OCOL informed the institution of the initial complaint. This letter invited the institution to contact the OCOL if it contested the allegations or required additional information. While the institution acknowledged that breaches of the OLA had occurred, the OCOL asked it to confirm in writing the steps it had taken or would take to comply with the requirements of the OLA, and to ensure that its communications were available at all times in both official languages in order to avoid a recurrence of this type of incident.

In order to resolve the situation, the OCOL proposed certain measures to the institution:

- that, in the future, the institution verify its communications to the public and ensure that all information displayed on birth certificates and any other certificates or permits is indicated equally in both official languages;
- that the institution provide a deadline by which any corrections or changes to public communications (certificates, permits, etc.) must be made.

The OCOL's letter was accompanied by a copy of the complainant's birth certificate, in which their personal information had been deleted so that the institution could not identify them¹.

Initial review of the file

Before sending a written response, an employee of the institution requested a TEAMS interview with an OCOL investigator to clarify certain points. According to this employee, the situation in this case was the result of human error. The OCOL's investigator shared with the latter that the complainant had specified that the incident described above had taken place in early 2023 at the Moncton Service Centre. Finally, the institution's employee took the opportunity to ask questions about the complainant's experience.

Following this interview, the OCOL's investigator contacted the complainant again to ask a few questions. On May 17, 2023, the complainant responded to the questions by email, taking care

¹ See above and **Appendix 1**.

to indicate that they had neither completed nor seen an official form in which they could have confirmed their language of choice:

[Translation]

To answer your questions, I did not fill in any official form. But I wrote my information, such as my parents' names, on a sheet of paper without any logo or mention of the government or SNB. There was no box for language selection. The lady filled in my information herself on her computer. She never asked me which language I preferred.

Just to clarify, if the lady had ever asked me my preferred language, I would have chosen French as always.

The complainant has also added new allegations to their complaint. They say they have been to the service centre two or three times in the past and have always requested service in French. According to the complainant:

[Translation]

People are greeted in English. [. . .] When I start speaking French, the staff at the reception desk switch to French. They then ask me if I would like to be served in English or French. I always reply that I would like to be served in French, even though [an] employee once told me that this could have an impact on the waiting time.

Then, when my number is called, the employees greet me in English only. I answer in French, and they switch to French.

On May 25, 2023, the OCOL investigator shared the complainant's responses with the institution's employees via a TEAMS interview. During this interview, one of the latter provided the investigator with an English PDF version of the birth certificate application form². The investigator then examined the form provided by the employee, as well as the French electronic version available online³ on the institution's website (www2.snb.ca) (the website).

The OCOL investigator found that the PDF form provided by the institution's employee contained, among other things, two check boxes, "English" or "French", allowing the birth certificate applicant to indicate their preferred language.

However, after consulting the online electronic form, the OCOL investigator discovered that English is the default language, forcing applicants who wish to obtain a birth certificate in French to change the selection. The same thing happened when browsing the institution's French

² See **Appendix 2**.

³ See **Appendix 3**.

website, and the investigator found that the applicant must click the drop-down menu to change the preselection from English to French.

Investigation under subsection 43(13) of the OLA

In her initial alternative resolution attempt, the Commissioner proposed certain measures to be taken by the institution. However, following her review of the documents related to the complaint, interviews with the institution's employees and additional information forwarded by the complainant, the Commissioner decided to proceed with an investigation under subsection 43(13) of the OLA, and a Notice of Investigation dated June 9, 2023, was sent to the institution. For ease of reference, the details of the allegations made by the complainant have been repeated, along with a summary of the initial handling of the case. The Commissioner also indicated the following:

[Translation]

In analyzing certain new evidence related to the situation, I find that my initial request appears insufficient since, in my view, the problem may be more than human error and instead a system issue. I consequently withdraw my alternative resolution attempt and am forwarding this letter to you so that you might clarify all of the allegations made by the complainant and the facts that have come to light during our review of the complaint.

This notice to the institution's Chief Executive Officer requests that the institution share with the OCOL its assessment of the facts regarding the complainant's allegations along with additional information that may be helpful, and that it answer a series of questions.

The following documents were attached to the notice of investigation:

- a) Birth certificate sent by complainant⁴ (all personal information deleted by the OCOL);
- b) English PDF version of the birth certificate application form⁵ (provided by an employee of the institution);
- c) French electronic version of the birth certificate application form⁶ (found on the institution's website by an OCOL investigator);
- d) Form title appearing on Google Chrome⁷ (OCOL observation);
- e) Application form file properties⁸ (OCOL observation).

⁴ See **Appendix 1**.

⁵ See **Appendix 2**.

⁶ See **Appendix 3**.

⁷ See **Appendix 4**.

⁸ See **Appendix 5**.

Response from the institution

On July 27, 2023, the institution's Chief Executive Officer provided the institution's response with its assessment of the facts and, in chronological order, the answers to the OCOL's questions⁹. The institution ends as follows:

[Translation]

Service New Brunswick continues to recognize the importance of the Official Languages Act (OLA), and I would like to assure you that we remain committed to providing quality services in both official languages in each of our service centres.

Second request from the OCOL

On October 23, 2023, the OCOL sent a second request to the institution, thanking it for its earlier response and asking a series of additional questions:

[Translation]

Thank you for your response dated July 27, 2023. I am pleased to see that your institution has implemented a number of corrective measures to meet its obligations under New Brunswick's *Official Languages Act* (OLA).

I am also grateful that in our question 6, you indicated that "GNB is in the process of modernizing all online services, and compliance with the *Official Languages Act* (OLA) is part of this effort." However, you add: "Due to the complexity of online services across GNB (including SNB), definitive timelines have not yet been set." You offer the same response to questions 7 and 8. Furthermore, your response to question 2 is not clear to us.

I therefore ask you to provide us with further details to complete your responses.

Second response from the institution

The institution provided a response dated November 28, 2023¹⁰.

⁹ See **Appendix 6**.

¹⁰ See **Appendix 7**.

Analysis

Relevant provisions of the OLA in this matter are as follows:

COMMUNICATION WITH THE PUBLIC

Communications with government and its institutions

27 Members of the public have the right to communicate with any institution and to receive its services in the official language of their choice.

Obligations of institutions

28 An institution shall ensure that members of the public are able to communicate with and to receive its services in the official language of their choice.

28.1 An institution shall ensure that appropriate measures are taken to make it known to members of the public that its services are available in the official language of their choice.

COMMUNICATION AVEC LE PUBLIC

Communication avec le gouvernement et ses institutions

27 Le public a le droit de communiquer avec toute institution et d'en recevoir les services dans la langue officielle de son choix.

Obligation des institutions

28 Il incombe aux institutions de veiller à ce que le public puisse communiquer avec elles et en recevoir les services dans la langue officielle de son choix.

28.1 Il incombe aux institutions de veiller à ce que les mesures voulues soient prises pour informer le public que leurs services lui sont offerts dans la langue officielle de son choix.

Questions asked by the OCOL and responses provided by the institution

After analyzing the questions and responses, the OCOL concludes that the complaint is **founded**.

The questions posed by the OCOL and the responses provided by the institution are reproduced in full in **Appendices 6 and 7**.

Admission of the institution

The institution that is the subject of the complaint is required to provide all its services and communications in compliance with the OLA. The complaint relates to services offered in person at the institution's service centre where, according to the complainant, they did not receive an active offer of service in both official languages and subsequently received by mail a birth certificate that was partially in English only. The complaint also relates to the institution's electronic application forms.

Based on the complainant's comments and the OCOL's observations, the substance of the allegations is as follows:

1. The active offer of service was apparently not granted either at the reception desk or at the counter of the institution's service centre.
2. The complainant received a communication from the institution in English only and not in their language of choice, French.
3. Continuity of service was therefore not upheld.
4. The electronic birth certificate application form features a drop-down menu with English as the preselected language.
5. In the past, an employee of the institution apparently gave the impression to the complainant that choosing service in French sometimes results in a longer waiting time compared to a customer who chooses English as the language of service.

In the institution's first response, its Chief Executive Officer states:

[Translation]

I recognize that the services received by the complainant did not live up to our vision of excellence in service delivery.

Active offer of service

The active offer of service in both official languages is at the heart of quality service. The active offer means that, on first contact, employees inform members of the public that services are available in both English and French. It is therefore not up to citizens to ask for service in the official language of their choice; it is up to employees to make the offer. The active offer of service in both official languages is extremely important, because if the offer is made in only one language, it is often unlikely that members of the public who wish to be served in the other language will assert their language rights. Instead, they tend to accept being served in the language used by the employee to greet them. That is why a greeting such as "Hello/Bonjour" is so important, as it invites members of the public to use either of our two official languages when communicating with or receiving service from a government institution.

The term "active offer" is defined by the OLA as follows:

28.1 *An institution shall ensure that appropriate measures are taken to make it known to members of the public that its services are available in the official language of their choice.*

The complainant states in an email response that they had visited the service centre two or three times in the past and that they had not received an active offer of service in both official languages either at the reception desk or at the service counter.

The institution's initial response does not add any new information to the situation as described by the complainant. Unless otherwise indicated, it can be concluded that the complainant did not receive an active offer of service in both official languages during their visit to the service centre.

The institution thus recognizes its obligation concerning active offer of service: [Translation] "Our centres should make an active offer of the language of choice at reception and again at the counter."

In explaining the procedures currently in place to ensure that the public always receives an active offer of service, the institution indicates that it provides official languages training to all its employees, and then describes its approach in this regard in response to the situation exposed by the complaint:

[Translation]

The service delivery support unit will also add additional training on this issue to ensure that training for new employees is adequate and emphasizes the importance of active offer at both points of service and the right language choice for correspondence and forms.

The institution specifies that [Translation] "the language of service is the first thing addressed in the training" and confirms that employees must review the training offered on the active offer before they can serve the public. Moreover, training guides are reviewed [Translation] "with all employees on an annual basis as part of the performance assessment process."

Recommendation No. 1:

The Office of the Commissioner recommends that the institution ensure that all staff members make an active offer of service in both official languages at all times.

Continuity of service

The purpose of the active offer of service is to determine the official language of choice of members of the public, which, once established, must be respected. This is what is called "continuity of service." If an institution fails to uphold continuity of service, it forces the public to assert their language rights. As mentioned above, there is a risk that the public will accept the language used by the institution, which is not, in any case, the public's duty. In fact, this is the opposite of the obligations under the OLA.

Since the complainant spoke French when they presented themselves to obtain a birth certificate, they expected to receive the document in French. When they later received the birth certificate, it contained information in English only. They told the OCOL that the customer service representative who processed their order did not ask them in which language they preferred to

receive their birth certificate, but that [Translation] “if the lady had ever asked me my preferred language, I would have chosen French as always.”

The institution’s initial response states that all its customer service representatives:

[Translation]
are trained to ensure that they are thorough when filling out forms or providing services on behalf of the customer, and that they verify all information before submitting it.

It acknowledges, however, that:

[Translation]
In this case, a human error occurred when the Customer Service Representative (CSR) did not complete the online application for the French birth certificate.

In light of this statement, we can conclude that the institution failed to uphold the continuity of services in French when it sent the complainant a birth certificate containing information in English only and that their complaint is founded.

Although the case in point illustrates a situation where a member of the public wanted a document prepared in the same official language in which they wanted their service at the counter, it is also possible for a member of the public to request that their document be prepared in the other official language. As a result, it was not possible for the customer service representative to know the language in which the complainant wanted to receive their birth certificate without asking them that question. Even if the complainant spoke in French, they could have answered that they wanted it in English as well as in French.

Moreover, the institution’s duty to inform the public that its services and communications are available in the official language of its choice requires that the complainant should have been informed that their certificate could be delivered to them in English or French, depending on their choice. As indicated by the institution, [Translation] “*It is imperative that customer service representatives verify the language before completing the transaction.*”

Since it is best to always inform the public of their right to choose, the OCOL reiterates its previous recommendation issued in October 2022 following a similar complaint against the institution¹¹:

¹¹ Investigation report 21-22-078.

Recommendation No. 2:

The Office of the Commissioner recommends that the institution ensure that all members of the public are proactively offered the opportunity to obtain their documents in the official language of their choice.

Random checks and other audits are an opportunity for the institution to better observe and understand what is happening at its service centres. According to the institution, it is seeking to intensify its efforts to comply with all its obligations under the OLA, as well as those of its staff who serve the public on its behalf. The OCOL is pleased to see that the institution has such a process in place:

[Translation]

In addition, our auditors, as part of the provincial internal audit program, review and confirm our service centre's compliance with the Official Languages Act (OLA).

The OCOL believes that the audit program already in place is a tool that the institution can use to ensure continuity of service and to provide documents and other written communications requested by the public:

Recommendation No. 3:

The Office of the Commissioner recommends that the institution continue to conduct random audits on official languages and broaden the scope of its control points to include whether members of the public always obtain the documents they request and any other written communications in the official language of their choice.

The institution's electronic forms**Forms filled out by an employee: human or system error**

The institution claims that human error was responsible for the complainant not receiving their document in the language of their choice. To explain this error, the institution informs the OCOL of the following:

[Translation]

Unfortunately, the form was set to automatic English and the CSR [sic: The English "CSR" was used instead of the French "RSC"] did not change the language to French. Therefore, even though the complainant received service in the language of their choice, the CSR did not order a birth certificate in French. [. . .] In addition, this issue will be reviewed with all customer service representatives to ensure that these types of situations are avoided in the future.

The investigation shows that the form assumes the selection of English. If the language selection had not been assumed, the employee would have been obliged to check off a choice of official language before submitting the application. This would have reminded the employee that they needed to ask the complainant in which language they wanted the birth certificate sent.

Forms completed by a customer

In order to comply with the OLA, an institution must offer all communications and services of equal quality in both official languages. However, when the public fills out such a form, the preselection of English puts the French-speaking community at a disadvantage, as Francophones have to follow additional steps in order to obtain the same service in French. This is not equal service. The OCOL must note that the preselection of English means that the quality of service offered to the French-speaking community is inferior to the quality of service offered to the English-speaking community.

The institution has already taken steps to rectify this situation:

[Translation]

The language functionality problem brought to our attention by your investigator is a design issue in the online application process that will be corrected. SNB's Vital Statistics Registry has submitted a change request to SNB's IT department and the vendor to correct this design error as quickly as possible. The vendor has investigated the problem and provided an estimated date for testing the patch by July 28, 2023. If no problems are discovered during testing, we anticipate that this patch could be implemented by mid-August 2023.

Rectification of all forms

As for application forms, whether completed by an employee or a member of the public, the institution's response states the following:

[Translation]

The form, system and process depend on the partner SNB is working with. The GNB is currently modernizing all online services, and compliance with the Official Languages Act (OLA) is part of this effort. Due to the complexity of online services across the GNB (including SNB), definitive timelines have not yet been set.

According to the OCOL, this modernization of the institution's online services is an opportunity for it to rectify its forms:

Recommendation No. 4:

The Office of the Commissioner recommends that the institution verify all forms in its computer system, as well as forms available to the public, and remove any preselection of official language in order to uphold the equality of services in both official languages under the OLA.

The institution's website

Another aspect of OLA compliance examined by the OCOL is the institution's website. In addition to offering its services through customer service representatives at its service centres, the institution offers many of its services online. The duty to provide the public with an active offer of service in both official languages and to ensure continuity of service also applies to services offered through its website. Although the complainant had not addressed this issue, the OCOL took the opportunity to visit the institution's website to examine the forms that were available online at the time.

OCOL's investigators found that the active offer is made as soon as you arrive on the website's home page, and that subsequently, depending on the pages examined, the information consulted is provided in the official language chosen at the outset. Moreover, during this review, OCOL investigators noted the existence of a button at the top of the page allowing users to switch to the other official language, without having to navigate back to the information they wished to consult.

However, OCOL investigators found that some URLs and metadata are displayed in English only.

The OCOL's recommendation below and the modernization of online services already undertaken by the institution should suffice to correct the URLs and metadata.

Recommendation No. 5:

The Office of the Commissioner recommends that the institution verify all URL addresses and metadata of pages and documents available to the public through its website and ensure that the language of these conforms to the language of the corresponding content, to enable search engines to correctly identify and index information displayed in French.

Waiting time – an unfounded element of the complaint

According to a response provided by the complainant during the initial processing of their file, an employee of the institution had given them the impression that the choice of service in French could affect their waiting time.

Given this allegation that choosing French service sometimes results in longer waiting times than choosing English as the language of service, the OCOL asked the institution to specify the waiting

time when requesting service in French and the waiting time when requesting service in English. The institution responded as follows: [Translation] “After reviewing customer transactions over the past two years, we have found that waiting times for French and English services are consistent,” i.e. “very comparable.”

In order to be able to make its own calculation, the OCOL asked the institution to specify the data requested. The institution’s new response provides average waiting times for the province as a whole and specifies that the average waiting times by official language for the service centre targeted by the complaint are: 26 minutes 46 seconds for service in French and 26 minutes 42 seconds for service in English.

As for the allegation that an employee gave the complainant such an impression, the institution did not specify anything in this regard, and the only version of the situation available to the OCOL is that of the complainant. That said, a review of waiting times does not allow the OCOL to conclude that a member of the public experiences undue delay when requesting service in French at the institution’s Moncton Service Centre. This allegation is therefore deemed unfounded.

Conclusion and Recommendations

The investigation by the Office of the Commissioner of Official Languages (OCOL) has established, for the reasons set out in this report, that the complaint is **founded** and that Service New Brunswick (the institution) has failed to fulfill its obligations under the *Official Languages Act* of New Brunswick (the OLA).

Having established that the complaint is founded, the Commissioner makes the following recommendations:

1. **THAT** the institution ensure that all staff members make an active offer of service in both official languages at all times;
2. **THAT** the institution ensure that all members of the public are proactively offered the opportunity to obtain documents in the official language of their choice;
3. **THAT** the institution continue to carry out random checks on official languages and broaden the scope of its control points to include whether members of the public always receive requested documents and other written communications in the official language of their choice;
4. **THAT** the institution verify all forms in its computer system as well as forms available to the public and remove any preselection of official language in order to uphold the equality of services in both official languages under the OLA;
5. **THAT** the institution verify all URL addresses and metadata of pages and documents available to the public through its website and ensure that the language of these conforms to the language of the corresponding content, to enable search engines to correctly identify and index information displayed in French.

The Office of the Commissioner would like to thank the institution for its cooperation during this investigation and for its ongoing efforts to ensure that the public has access to services of equal quality in both official languages, both online and in person, thereby upholding the equal status of New Brunswick's two official linguistic communities.

In accordance with subsection 43(16) of the OLA, we submit this report to the Chief Executive Officer of Service New Brunswick, the complainant and the Premier. We also submit it to the

Clerk of the Executive Council and to the Executive Director of the Secretariat of Official Languages.

Pursuant to subsection 43(18) of the OLA, if the complainant is dissatisfied with the conclusions presented following this investigation, they may apply to the Court of King's Bench of New Brunswick for a remedy.

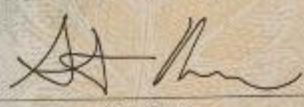
Shirley C. MacLean, K.C.
Commissioner of Official Languages for New Brunswick
Signed at the City of Fredericton,
Province of New Brunswick,
This 31st day of May 2024

APPENDIX 1

Birth certificate as provided by the complainant

BIRTH · NAISSANCE
NEW BRUNSWICK · NOUVEAU-BRUNSWICK

BIRTH CERTIFICATE
CERTIFICAT DE NAISSANCE

 
Sterling Brown
Registrar General / Régistrateur général


Certified extract from
Registers of Birth
filing with the Province of
New Brunswick, Canada.
Extrait certifié d'enregistrement
de naissance déposés auprès
de la province du
Nouveau-Brunswick, Canada.

REG-1 NBPS (2019/02)

Name/Nom [REDACTED]

Date of Birth
Date de naissance [REDACTED] **APR** [REDACTED]

Sex
Sexe **M**

Place of Birth
Lieu de naissance [REDACTED]

Name of Father
Nom du père [REDACTED]

Place of Birth
Lieu de naissance **NEW BRUNSWICK, CANADA**

Maiden Name of Mother
Nom de fille de la mère [REDACTED]

Place of Birth
Lieu de naissance **NEW BRUNSWICK, CANADA**

Registration No.
N° d'enregistrement [REDACTED]

Registration Date
Date d'enregistrement **APR** [REDACTED]

Date Issued
Date délivré le [REDACTED] **2023**

[REDACTED]

[REDACTED]

APPENDIX 2

English PDF version of the birth certificate application form



APPLICATION FOR BIRTH CERTIFICATE
SERVICE NEW BRUNSWICK
VITAL STATISTICS
P.O. BOX 1998 FREDERICTON NB E3B 5G4
Telephone: (506) 433-2385
Fax: (506) 444-4139

PLEASE PRINT CLEARLY IN BLACK INK

Part 1: Applicant Information

"Applicant" is the person who is completing this request. An "Applicant" must enter their contact information so they can be contacted if problems arise with this request.

Your Last Name		Your First Name		Your Mailing Address	
City		Province	Postal Code	Country	
Day Telephone () - -	Alternate Telephone () - -	Your relationship to the person named on certificate ☐ Self ☐ Mother ☐ Father ☐ Other (specify) _____			
Signature of Applicant: X _____ (Person applying for certificate)					
Date: _____ Applicant E-Mail (if available): _____					

Part 2: Birth Details

Enter the birth information of the person in whose name the certificate will be issued including the names of both parents and their respective places of birth. If father's information is not applicable, please put "N/A" in corresponding fields.

Last Name		Given Name(s)	
Date of Birth [][] [][] [][] Year Month Day	Sex ☐ M ☐ F ☐ X	Place of Birth (City, Town or Village)	
Mother's / Parent's Maiden Surname		Mother's / Parent's Given Name(s)	Mother's / Parent's Birthplace
Father's / Parent's Surname		Father's / Parent's Given Name(s)	Father's / Parent's Birthplace

Part 3: Certificate Details

Step 1: Select the type, quantity of each certificate and the language you are requesting (details on what each certificate includes are outlined on the first page).

Quantity	Quantity	Language ☐ English or ☐ French
Short form certificate \$45 x _____	Long form certificate \$45 x _____	

Step 2: Choose the appropriate reason why the certificate is being requested (Not providing a reason will delay processing time)

☐ Health Card ☐ ID Card ☐ Land Deed ☐ Lost/Stolen	☐ Native Status ☐ Passport ☐ Pension ☐ School	☐ Social Insurance Number ☐ Other (specify): _____ _____
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Step 3: Choose the type of service and delivery method for the certificate

Service Options:

☐ Regular Service ☐ OR ☐ Expedited Service - \$50 fee (does not include certificate or courier fees)

Delivery Options:

☐ REGULAR MAIL (no delivery charges apply) ☐ COURIER within NB, NS or PE \$10 (plus applicable taxes) ☐ COURIER to other Canadian destinations \$25 (plus applicable taxes)	☐ COURIER to the United States \$40 (no tax outside Canada) ☐ COURIER outside Canada & US \$80 (no tax outside Canada) NOTE: Selecting courier as the delivery option does not expedite processing time. You must choose expedited service (\$50) to rush your application.
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Payment Options:

- Credit Card (Visa, MasterCard or American Express)
- Cheque payable to Service New Brunswick

Credit Card # _____	Expiry Date: ____/____/____
Signature: _____	

PART 4 - CONSENT

If you are not the person named on the birth certificate requested or if you are a parent applying for your adult child's birth certificate (16 years of age or older), written consent is required. Please make sure that this section is signed by the person named on the birth certificate OR that a signed letter of consent is provided with your application.

I, _____ authorize that my birth certificate be issued to _____
(Person named on birth certificate) (Name of Applicant)

Signature: X _____ Date: _____
(Person named on birth certificate)

VITAL STATISTICS OFFICE USE ONLY

Registration Number	POB Reference Number	Date Issued	Issued By
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APPENDIX 3

French electronic version of the application form

5/25/23, 3:46 PM

Service Nouveau-Brunswick - Naissances, Décès et Mariages



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Seuls trois certificats de naissance peuvent être commandés.

Produit	Prix unitaire	Quantité	Langue	Image
Certificat de naissance format abrégé	\$40.00	0 ▼	Anglais ▼	Voir l'exemple
Certificat de naissance format détaillé	\$40.00	0 ▼	Anglais ▼	Voir l'exemple

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APPENDIX 4

Form title appearing on Google Chrome

APPLICATION FOR BIRTH CERTIFICATE

1 / 2 100%

Effacer

Service
New Brunswick

31-0249 (02/21)

DEMANDE DE CERTIFICAT DE NAISSANCE

Demande de certificat de naissance :

1. Les certificats ne peuvent être émis que pour les naissances qui ont eu lieu au Nouveau-Brunswick.
2. Services Nouveau-Brunswick est engagé à protéger vos renseignements personnels. L'information recueillie sur ce formulaire de demande sera utilisée uniquement par le Bureau des statistiques de l'état civil de SNB pour traiter votre demande. En remplissant ce formulaire de demande, vous acceptez de fournir l'information à cette fin.

Qui peut faire une demande de certificat de naissance?

- Vous, si vous êtes la personne dont le nom apparaît sur le certificat de naissance; vous devez avoir au moins 16 ans.
- Les parents d'un enfant âgé de moins de 16 ans. Le nom du ou des parent(s) doit figurer dans le dossier de naissance de l'enfant, faute de quoi la personne devra fournir des documents judiciaires prouvant l'état parent.
- Les parents d'un enfant âgé de 16 ans ou plus frappé d'incapacité mentale. Une preuve, comme un document judiciaire ou une lettre d'un médecin, sera exigée.
- Une personne ayant l'autorisation écrite (consentement) de la personne nommée sur le certificat de naissance.
- Une personne ayant la tutelle de l'enfant (une preuve sera exigée);
- Une personne autorisée en vertu d'une ordonnance d'un tribunal (une preuve sera exigée);
- Une personne ayant besoin du certificat pour se conformer à une loi ou à un règlement donné (une preuve sera exigée);
- Si vous demandez un certificat pour une personne décédée, une preuve du décès sera exigée.

Renseignements indiqués sur les certificats de naissance :

a) Les certificats format abrégé comprennent les renseignements suivants: nom de famille et prénoms de la personne, date de naissance, lieu de naissance, sexe, date et numéro d'enregistrement et date de délivrance.

b) Les certificats format détaillé comprennent tous les renseignements ci-dessus ainsi que les noms des parents et la province ou le pays où ils sont nés. **Avis :** Le certificat de naissance format détaillé est recommandé lorsqu'il s'agit d'une demande de certificat pour un enfant mineur.

c) Lorsqu'il s'agit d'une femme mariée, le certificat est délivré sous le nom de jeune fille.

Temps de traitement :

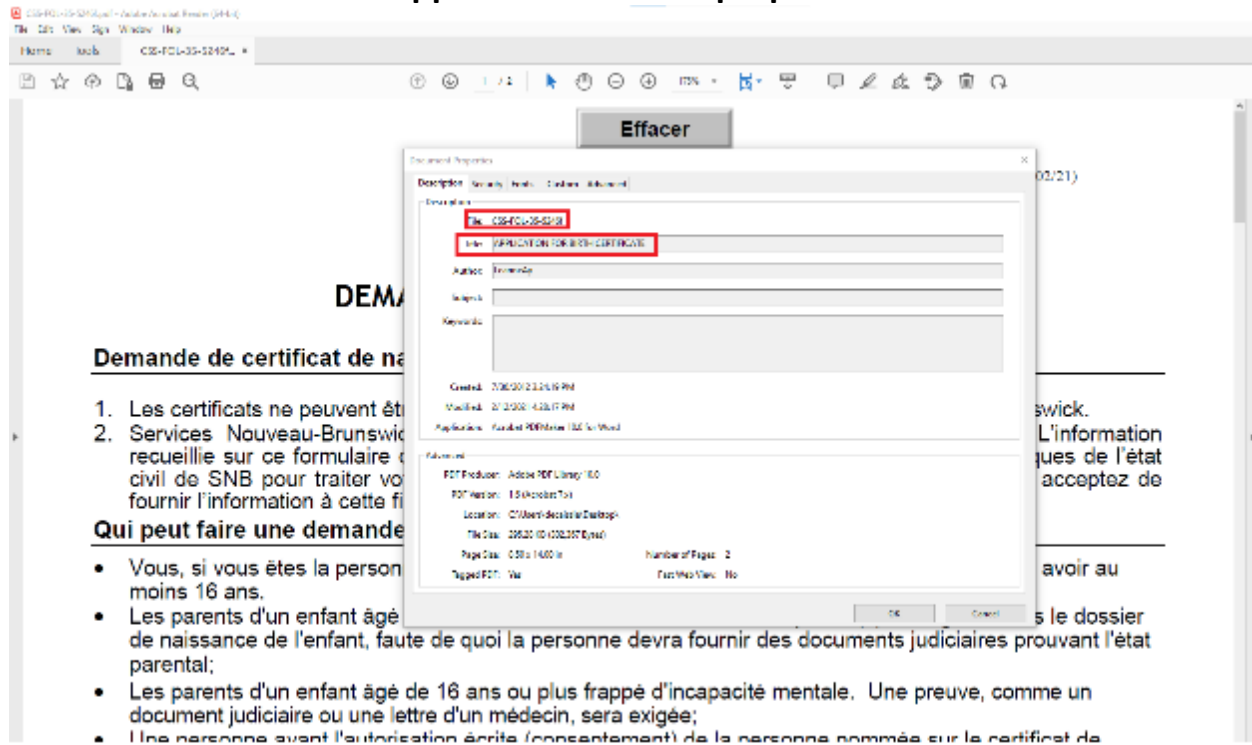
Service normal – Si votre demande est complète, que l'événement est enregistré et que les renseignements correspondent à ceux de nos dossiers, votre demande sera traitée dans les 5 jours ouvrables (le temps de livraison n'est pas compris).

Service rapide – Si votre demande est complète, que l'événement est enregistré et que les renseignements correspondent à ceux de nos dossiers, votre demande sera traitée dans les 48 heures. Vous pouvez passer prendre votre certificat au 435, rue King, Bureau 203 à Fredericton ou le faire acheminer par messagerie le lendemain. Les services de remise sur place et de messagerie sont offerts du lundi au vendredi.

Montant à déboursier :

APPENDIX 5

Application form file properties



APPENDIX 6

First questions asked by the OCOL and responses provided by the institution

The first questions posed by the OCOL and the responses provided by the institution are translated here in their entirety.

Question 1: What procedures are currently in place at the target site and at all service centres to ensure that the active offer is always given priority during interactions with the public at the reception desk and counter?

RESPONSE: *As part of our integration process, our managers review the following documents with all new employees:*

- *Language of Service Policy and Guidelines (AD-2919)*
- *Language of Service Quick Reference Guide*
- *Language of Work Policy and Guidelines (AD-2920)*
- *Language of Work Quick Reference Guide*
- *Training on the Active Offer of Customer Service*

The above guides are also reviewed with all employees on an annual basis as part of the performance assessment process. In addition, our auditors, as part of the provincial internal audit program, review and confirm our service centre's compliance with the Official Languages Act (OLA).

Language of Service is the first thing addressed in the "Express" training program. The trainer confirms that all employees have reviewed the active offer training and if they have not, the trainer will advise the manager that this needs to be done before they go to the counter.

The service delivery support unit will also add additional training on this issue to ensure that training for new employees is adequate and emphasizes the importance of active offer at both points of service and the right language choice for correspondence and forms.

Question 2: The complainant states: "I always reply that I would like to be served in French, even though an employee once told me that this could have an impact on the waiting time."

Question 2a: On average, what is the waiting time if you ask to be served in French?

Question 2b: On average, what is the waiting time if you ask to be served in English?

ANSWER: *After reviewing customer transactions over the past two years, we have found that waiting times for services in English and French are consistent.*

Question 3: In general,

Question 3a: What procedures must be followed when a service centre counter clerk fills out a form for a customer on their computer?

Question 3b: In this situation, can a customer normally see a form filled out by an employee, or do they even have to sign it before it is processed by Service New Brunswick (SNB)?

Question 3c: Would an employee use the same online application forms as an SNB customer filling out a form from home?

ANSWER: All Customer Service Representatives (CSRs) are trained to ensure that they are thorough when filling out forms or providing services on behalf of the customer and that they verify all information before submitting it. Forms, systems and processes depend on the partner SNB is working with. Through its service centres, SNB represents over 400 different processes for multiple partners in government, associations and municipalities, often relying on its electronic platform.

Question 4: According to the complaint, the employee at the counter used a document containing personal information to enter data into the computer. The complainant states that they did not receive an active offer from the employee at the counter, and that they were not asked any further questions about official languages in order to supply the data entered by the employee.

Question 4a: Do the electronic forms used by employees allow information to be submitted if an employee inadvertently fails to ask the customer for the official language in which the customer wishes to obtain a requested document?

Question 4b: In such a case, do the electronic forms already assume one official language or the other to be submitted to SNB if an employee forgets to ask the customer to make this selection?

Question 4c: If so, why?

ANSWER: It is imperative that our customer service representatives verify the language before completing the transaction. The form, system and process depend on the partner SNB is working with. Some forms are database-programmed forms with options for each language or may be based on the language chosen by the customer or CSR when accessing the site. Other forms are links to a partner site that has forms available online in French or English. Some are PDF forms that have been downloaded. These could be bilingual or there could be two forms, one for each official language.

Question 5: According to the research of an investigator from the Office of the Commissioner, even when browsing the SNB website in French and filling out the French version of the application form for a birth certificate, the “English” selection is assumed, and there is also no warning if you forget to select French. It is necessary to click on the drop-down menu to deselect English and select French.

Question 5a: Why isn’t the language choice on the online form in the same, more generic format as the PDF form, where you have to tick one option or the other, without either official

language being assumed, which would force the user to make a selection and avoid forgetting this step?

Question 5b: Why does the drop-down menu assume English, even when the form is filled out in French?

ANSWER: *The language functionality problem brought to our attention by your investigator is a design issue in the online application process that will be corrected. SNB's Vital Statistics Registry has submitted a change request to SNB's IT department and the vendor to correct this design error as quickly as possible. The vendor has investigated the problem and provided an estimated date for testing the patch by July 28, 2023. If no problems are discovered during testing, we anticipate that this patch could be implemented by mid-August 2023.*

Question 6: How many SNB application forms include an official language selection? Please specify:

Question 6a: the total number of current versions of such forms;

Question 6b: the number of current versions of such forms available to employees;

Question 6c: the number of current versions of such forms available to the public;

Question 6d: the number of current versions of such forms available to employees and the public.

ANSWER: *The form, system and process depend on the partner SNB is working with. The GNB is currently modernizing all online services, and compliance with the Official Languages Act (OLA) is part of this effort. Due to the complexity of online services across the GNB (including SNB), definitive timelines have not yet been set.*

Question 7: Of the application forms that include an official language selection, how many assume one official language or the other? Please specify:

Question 7a: the total number of current versions of such forms;

Question 7b: the number of current versions of such forms available to employees in which English is assumed;

Question 7c: the number of current versions of such forms available to the public in which English is assumed;

Question 7d: the number of current versions of such forms available to employees *and* the public in which English is assumed;

Question 7e: the number of current versions of such forms available to employees in which French is assumed;

Question 7f: the number of current versions of such forms available to the public in which French is assumed;

Question 7g: the number of current versions of such forms available to employees *and* the public in which French is assumed.

ANSWER: *See response to question six (6) concerning the modernization project.*

Question 8: When an investigator from our Office found the PDF version of the form on SNB's website using their Google Chrome browser, they realized that the title of the French version of the form on the screen (not the one in the URL) was "APPLICATION FOR BIRTH CERTIFICATE". When we look at the metadata corresponding to the French PDF form file, we see that the title displayed is in English.

Question 8a: Is it possible to change the English title to the French equivalent in the file metadata?

Question 8b: Could your institution check and change all forms to ensure that the titles that appear in the corresponding metadata are displayed correctly according to the language of the forms?

ANSWER: *See response to question six (6) concerning the modernization project.*

APPENDIX 7

Follow-up questions asked by the OCOL and responses provided by the institution

The follow-up questions posed by the OCOL and the responses provided by the institution are translated here in their entirety.

Question 9: Since you did not provide the requested data, we will return to question 2, with a new follow-up question:

Question 9a: On average, what is the waiting time if you ask to be served in French?

Question 9b: On average, what is the waiting time if you ask to be served in English?

Question 9c: Please explain in more detail what you mean by “waiting times for English and French services are consistent.”

ANSWER: We examined average waiting times and established a provincial average. We have also provided average waiting times by language for the Moncton Service Centre:

- Average waiting times for the whole province: French: 10 minutes 10 seconds; English: 12 minutes 45 seconds.*
- Average waiting times at Moncton Service Centre: French: 26 minutes 46 seconds; English: 26 minutes 42 seconds.*

By “uniform,” we mean that waiting times are very comparable.

Question 10: Although the project to modernize online services does not yet have a definitive timetable, as you explained in response to question 6, can you give us a little more information about the standardization of online forms?

Question 10a: Despite the large number of forms and the “complexity of online services across the GNB (including SNB)”, will all your forms and those of all your partners be standardized in the future?

Question 10b: Will all your forms, and those of all your partners, include a drop-down menu that will require the person filling out the form to make their official language choice each time the form is filled out?

Question 10c: To avoid human error, will your institution stop using forms that assume the language of choice, despite having a drop-down menu?

RESPONSE: [The institution did not answer question 10.]

Question 11: This ongoing modernization of online services notwithstanding, I would like to ask once again for an inventory of the number of forms that “assume one official language or the other”:

Question 11a: the total number of current versions of such forms;

Question 11b: the number of current versions of such forms available to employees in which English is assumed;

Question 11c: the number of current versions of such forms available to the public in which English is assumed;

Question 11d: the number of current versions of such forms available to employees *and* the public in which English is assumed;

Question 11e: the number of current versions of such forms available to employees in which French is assumed;

Question 11f: the number of current versions of such forms available to the public in which French is assumed;

Question 11g: the number of current versions of such forms available to employees *and* the public in which French is assumed.

RESPONSE: [The institution did not answer question 11.]

Question 12: Please explicitly confirm that the ongoing modernization of online services will take into account the metadata corresponding to the files published online, where applicable, and will ensure that titles are displayed correctly according to the language of the forms.

ANSWER: *Improving the way the New Brunswick government delivers online services to New Brunswick residents is a priority for both the government and SNB.*

The ECO's Corporate Communications Division is leading an initiative to modernize the government website. Over 300,000 pages of content and PDF documents will be enhanced as part of this initiative. Some are created by SNB, while others are created by government departments. As a result, this initiative will affect the entire government. As part of this project, standards will be established to ensure compliance with best practices in accessibility and inclusivity throughout the web platform. Providing equitable services to New Brunswickers in the language of their choice, including the changes outlined in questions 10, 11 and 12, will be an important part of this initiative.

We expect the standards to be established over the next few months and the first new web pages to be published in spring 2024. Given the size of the government website, it will take some time to update all the content on the new site.

The project is in progress, but the updating of forms and web content will be done on an ongoing basis in line with departmental requirements, as the team works in two streams: maintenance and modernization. Any errors found will also be corrected. SNB and ECO's Corporate Communications Division work with line departments to update forms and web content.

As we enhance the online experience by making it simple, reliable and designed for and with New Brunswick residents, we are confident that we will create a consistency in the online experience that will give residents a familiar context and, ultimately, improve their satisfaction.

Specifically, with regard to “the title of the French version of the form [”] appearing on the screen (not the one in the URL) was “APPLICATION FOR BIRTH CERTIFICATE”. Looking at the metadata for the French PDF form, we see that the title is displayed in English. As of November 20, 2023, this error has been corrected and now reads “DEMANDE DE CERTIFICAT DE NAISSANCE”. If the customer has already opened this form, they may have to click on the “Refresh” button in their browser. This action will reset the page and display the corrected French version.